

MINUTES

NEVADA STATE BOARD OF OPTOMETRY REGULAR TELEPHONE MEETING

December 8th, 2004
Office of the Nevada State Board of Optometry
1000 East William
Suite 109
Carson City, Nevada

Dr. Alleman asked for public comment. There was no public comment.

A regular telephone meeting of the Nevada Board of Optometry was called to order by Board President, Kurt G. Alleman, O.D., at 8:00 o'clock a.m. on December 8th, 2004, at the office of the Board of Optometry, 1000 East William, Suite 109, Carson City, Nevada.

Identifying themselves as participating were:

Kurt G. Alleman, O.D., Board President
Brad C. Stewart, O.D., Board Member
Jack Sutton, O.D., Board Member
George Bean, Board Member

Participating and present at the Board office were:

Judi Kennedy, Executive Director
Mark Marsh, Esq.

The minutes of the October 15th, 2004, regular meeting were presented for approval.

Mr. Bean moved the minutes be approved as drafted. Dr. Stewart seconded the motion. The vote was unanimous.

The Board continued, moving to Agenda Item 3, the Complaint of Linda Raphael vs. Tyson Kales, O.D. Dr. Alleman noted the glasses which were the subject of the complaint had been corrected, and that Ms. Raphael had corresponded with the Board advising her complaint had been resolved. Dr. Stewart moved the complaint be dismissed based on resolution. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 4, the complaint of Gretchin Kvall vs. Daniel T. Rowan, O.D.. was next considered by the Board. Dr. Alleman outlined for the Board, the allegations of the complaint that the insertion of silicone punctal plugs, prior to her lasik surgery, had caused Ms. Kvall's eyes to become irritated. Dr. Alleman continued, noting that Dr. Rowan had subsequently removed the plugs. There ensued a lengthy discussion among the Board members regarding the use of the silicone plugs, versus other available plugs and the varying standards of care developed in individual communities. Dr. Stewart noted Ms. Kvall was seeking a refund, and that the Board has no jurisdiction over monetary issues. Ms. Kennedy pointed out Dr. Rowan had refunded \$100 to Ms. Kvaal. The Board determined it needed more information. Dr. Stewart moved the complaint be continued for further consideration, and that Dr. Rowan be requested to attend the Board's next regular meeting. Dr. Sutton seconded the motion. The vote was unanimous.

The Board turned to Agenda Item 5, the complaint of Judi D. Kennedy, as Executive Director, vs. Chen K. Young, O.D. Dr. Alleman noted the complaint against Dr. Young alleged he had commenced using an assumed name, without first having obtained the required certificate from the Board. Ms. Kennedy advised the Board that Dr. Young had paid the proposed \$250 fine. Mr. Bean moved the complaint be dismissed based on resolution. Dr. Stewart seconded the motion. The vote was unanimous.

Continuing, the Board next reviewed Agenda Item 6, correspondence from Christopher C. Chiodo, O.D. The Board discussed the contentions of Dr. Chiodo's letter and the response of Ms. Kennedy. The Board directed Ms. Kennedy to advise Dr. Chiodo the Board stands by the position taken in Ms. Kennedy's letter to him.

Proceeding to Agenda Item 9, Ms. Kennedy directed the Board's attention to BDR 98, which proposes the creation of a Commission of Occupational Licensing, noting

the Board of Optometry was on the list of boards to be affected by the proposed legislation. The Board's discussion resulted in the conclusion that the Board is empowered by Chapter 636 of the Nevada Revised Statutes to do all the things proposed in the BDR, that the complaints filed with the Board of Optometry, and any necessary investigations, were being processed in a timely manner. Dr. Stewart moved Ms. Kennedy send a letter to the Office of the Attorney General, requesting the Board of Optometry be removed from the list of boards to be affected by the proposed legislation. Mr. Bean seconded the motion. The vote was unanimous.

Ms. Kennedy reported to the Board the number of new licenses issued by the Board in the preceding 12 month period, and the estimated increase in revenue. Mr. Bean moved the renewal fees remain the same for the 2005–06 license year. Dr. Sutton seconded the motion. The vote was unanimous.

With the exception of two typographical errors, to be corrected, the Board approved the 2005 Board Newsletter.

Dr. Alleman asked for public comment. There was no public comment

The Board scheduled a meeting for Friday, March 11th, 2005.

Mr. Bean moved the meeting be adjourned. Dr. Sutton seconded the motion. The meeting adjourned at 8:30 a.m.